S.B.CIVIL WRIT PETITION NO.616/2005.

DATE OF ORDER : 28th JANUARY, 2005.

HON'BLE MR. R.P. VYAS, J.

Mr.Vijay Rajpurohit for the petitioner(s).

The instant petition has been filed by the petitioner alleging that the petitioner was allotted land vide order dated 23.1.1996 (Annexure 1) under Rajasthan Industrial Area Allotment Rules, 1959 (hereinafter referred to as "the Rules, 1959) in village Kaya District Udaipur in Araji No. 67, Rakaba 2160 measuring one bigha for manufacturing of the bricks. Later on, due to certain financial difficulties, he could not continue to use this land, which was allotted in pursuance of the Annexure 1.

Thereafter, vide order dated 28.11.1994 (Annexure 3) a notice under Section 91 sub-section (3) was issued by the Competent Authority under the provisions of Rajasthan Land Revenue Act to the petitioner. Reply to the said notice dated 28.11.1994 (Annexure 3) was also filed and the action imposed under Section 91, of the Rajasthan Land Revenue Act, 1956 (hereinafter referred to as "the Act, 1956) was dropped by the Executive Engineer. It was considered

by the Executive Engineer that possession over two bighas of land, is in favour of the petitioner.

Thereafter, the petitioner has sent a number of representations to the non-petitioners, submitting that physical possession of the land in question has been delivered to him, but the lease deed has not been executed in his favour till the date.

In pursuance of the said representation, non-petitioner No.2 passed an order order dated 19.12.2000 (Annexure 6), while disposing of the representations of the petitioner that it is not his job to execute the sale deed in his favour. It is the job of the Secretary, U.I.T. Udaipur, therefore, he forwarded the file to the Secretary, U.I.T. Udaipur.

In reply to the order dated 19.12.2000 (Annexure 6), the Secretary, U.I.T. Udaipur vide his order dated 26.2.2004 (Annexure 7) informed the non-petitioner No.2 that the land in dispute does not fall within the purview of the UIT and the matter is related to the Rajasthan Land Revenue Act and it is only the Revenue Department which can take effective steps to redress the grievance.

Despite that, no effective steps have been taken by the non-petitioners, whereas the petitioner has been making regular representations.

The only grievance raised by the petitioner in the instant petition, is that he has already made a representation to the Tehsildar, Girwa, District Udaipur in the month March 2004, but the same has not been considered by him till today.

I have examined the entire facts and circumstances of the case.

Looking to the facts and circumstances of the case and in the interest of justice, I deem it just and proper to direct the non-petitioners to decide the representation already made by the petitioner, as well as the fresh representation, if any, made by him, within 15 days, from today.

The respondents shall decide the representations of the petitioner with concrete reasons and by a speaking order, strictly in accordance with law.

In case, the petitioner is aggrieved by the decision of the respondents, he shall be at liberty

to file a fresh writ petition before this Court.

With the aforesaid observations and directions, the instant writ petition stands disposed of.

(R.P.VYAS)J.

Anil